

# **Exhibit**

# **A**

**AFFIDAVIT OF JENNIFER FALLON**

Jennifer Fallon, a Special Agent with the United States Drug Enforcement Administration, being duly sworn, deposes and states as follows:

1. I am an investigative or law enforcement officer of the United States, within the meaning of Section 2510(7) of Title 18, United States Code: that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516, Title 18, United States Code. I have been employed as a Special Agent of the United States Drug Enforcement Administration ("DEA") since 2002. I have been assigned to the New Bedford, MA, resident office since March 2003. Prior to that I served as an agent with the United States Border Patrol for approximately two years.

2. During my employment with DEA, I have participated in numerous investigations relating to the distribution of controlled substances, including heroin, cocaine, cocaine base, also known as "crack cocaine" and other substances in violation of the federal anti-drug laws, including Title 21, United States Code, Section 846. I have received training in the field of narcotics enforcement and investigations. I am familiar with the habits, methods, routines, practices and

procedures commonly employed by persons engaged in the trafficking of illegal drugs. Through my training, education and experience, I have become familiar with the manner in which illegal drugs are transported, stored, and distributed, and with the methods of payment for such drugs.

3. I submit this affidavit in support of Government's Motion For Reconsideration of Court Order Dismissing Information in the matter United States v. James Machado. This affidavit is submitted for the limited purpose of establishing the existence of a federal investigation of James Machado and his associates. Accordingly, I have not included each and every fact known to myself and other law enforcement officers involved in this investigation.

4. As a result of my personal participation in the investigation, interviews with and analysis of reports submitted by other law enforcement personnel and my consultations with other law enforcement officers, I am familiar with this investigation.

5. I am aware that James Machado and his associates have been under federal investigation for drug trafficking activities from on or about October 2003 to the present. Throughout the investigation, at least four (4) confidential sources have provided information which has been corroborated

to the extent possible by independent investigation. Through surveillance, multiple controlled buys, and other investigative means, the investigation has identified at least ten individuals all believed to be involved in drug trafficking activities.

6. Throughout the investigation and until Friday, November 4, 2005, law enforcement officers were concerned that alerting the members of the conspiracy about the investigation would compromise the investigation and result in the possible destruction or concealment of documents and evidence.

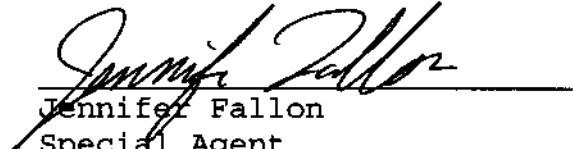
7. I am aware that as part of this investigation, a search warrant was executed on Friday, November 4, 2005 at the residence of James Machado. As a result of the search, drugs and drug paraphernalia were seized. I have examined one of these seized items, Exhibit C included with this affidavit, and have determined based upon my training and experience that the item is a crib sheet or drug ledger.

8. Based upon my training, experience, participation in other narcotics and money laundering investigations, and extensive discussions with other law enforcement officers experienced in such investigations, I have come to know that drug dealers typically maintain a tally or ledger of moneys owed to them by their drug customers, often known as a crib

sheet. These ledgers or crib sheets generally are maintained where the drug traffickers have ready access to them, such as at their residences. The ledgers are identifiable by the contents which frequently include lists of numbers indicating amounts of drugs sold or money exchanged, dates, and names or aliases of purchasers.

9. Based on my experience, training, and examination of Exhibit C, I believe that the seized item is a drug ledger. It indicates, among other transactions, twenty-five (25) sales for fifteen hundred (1,500) dollars each to an individual referred to as Turk between September 27, 1999 and April 27, 2002. In my experience, I have found that fifteen hundred (1,500) dollars corresponds approximately to one pound of marijuana. It also reflects a second customer referred to as Steve who owed sixty-two thousand, seven hundred seventy-eight (62,778) dollars for previous buys.

I, Jennifer Fallon, having signed this Affidavit under oath as to all assertions and allegations contained herein, state that its contents are true and correct to the best of my knowledge, information and belief.

  
Jennifer Fallon  
Special Agent  
Drug Enforcement Administration